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Stansfield Turner took the right tack on covert operations

In his April 9 Commentary section article "Rejecting Congress' covert straitjacket," Rep. Bud Shuster grossly misrepresents the intent of and the need for the new intelligence oversight legislation vetoed by President Bush last year. The purpose of the legislation is to ensure effective congressional oversight of U.S. covert operations and other intelligence activities.

Covert operations, because they are conceived, financed and conducted in secret, necessarily bypass the normal and constitutionally mandated public process — including public hearing, debate and vote — for effectuating governmental policy. This public process holds the government accountable to the American people and is an essential means to prevent fraud, abuse and violations of law.

The new oversight bill has the very limited purpose of providing accountability to Congress. Including requests to third parties in the definition of covert operations has the obvious and necessary purpose of preventing the president from doing indirectly what he or she has specifically been prohibited from doing directly. The president cannot use his legitimate authority to conduct diplomacy with foreign governments as a shield for carrying out covert operations outside the

purview of the intelligence committees.

Mr. Shuster also wrongly interprets the phrase "timely fashion." Not only was Sen. Walter Huddleston not alone in his understanding that timely meant within a few days and only for exigencies of time, but then-CIA Director Stansfield Turner, when testifying before the House on the 1980 oversight bill, stated quite explicitly:

"[T]he law requires that I inform you of findings for covert actions in a timely manner. I think you could take me to jail if I waited

a month or two to tell you of something. I suppose there's some wild circumstance, but it just doesn't seem practical at all to me to think that that kind of delay could be anything but reprehensible and punishable."

President Bush himself stated in a letter to the chairman of the House Intelligence Committee in anticipation of the bill last fall that any delay beyond a few days "will be based upon my assertion or authorities granted this office by the Constitution." The law, however, as it already exists and as it should be amended, does not grant him any such authority. Nor should it.

Indeed, given the proclivity of presidents to conduct covert operations routinely and in dangerous ways, the proper course for Congress would be to abolish covert operations altogether. Short of that, the intelligence committees must have effective tools to act as surrogates for the rest of Congress and for the people in overseeing the activities of the intelligence community and should therefore not retreat from last year's bill.

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